

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

Raymond J. Traylor, Sr.,

Plaintiff,

v.

Case No. 18-cv-1871 (JNE/SER)
ORDER

Jeff Titus, Warden,
Tom Roy, Commissioner,
Department of Corrections,

Defendants.

On July 2, 2018, Plaintiff Raymond J. Traylor, Sr. filed a petition for a writ of mandamus. ECF No. 1. In a Report and Recommendation (“R&R”) dated August 17, 2018, the Honorable Steven E. Rau, United States Magistrate Judge, advised the Court to dismiss the action without prejudice to Traylor’s right to proceed in an ongoing habeas corpus action pending before this Court. *See* ECF No. 4; *Traylor v. Comm’r of Corr.*, No. 18-CV-1583 (JNE/SER) (D. Minn.) (plaintiff’s habeas corpus action). Neither party filed objections. The Court adopts the R&R. Therefore, IT IS ORDERED THAT:

1. This action be DISMISSED WITHOUT PREJUDICE.
2. The application to proceed *in forma pauperis* of plaintiff Raymond J. Traylor, Sr. [ECF No. 2] be DENIED.
3. No certificate of appealability be issued.

LET JUDGMENT BE ENTERED ACCORDINGLY.

Dated: September 17, 2018

s/Joan N. Ericksen
JOAN N. ERICKSEN
United States District Judge